

### REMARKS

Claims 1-27 remain pending in the present application.

In the Office Action, claims 1-4, 6, 12, 13, 15-18, 22 and 24 were rejected under 35 USC 102(e) as allegedly being anticipated by U.S. Pat. No. 6,137,864 to Yaker et al. ("Yaker"). The Applicants respectfully traverse the rejection.

Claims 1-4 and 6 recite that upon deletion of a voice message from voice message memory, the voice message is **moved and restored** in deleted voice message memory. Claims 12, 13 and 15-18 recite **removing** a deleted voice message, **upon deletion from a first memory area, and storing the** deleted voice message memory **in a second memory area**. Claims 22 and 24 recite means for **removing** a deleted voice message, **upon deletion**, from a first memory area, and means for **storing the deleted voice message** in a deleted voice message memory.

Yaker teaches a system wherein a voice message is flagged for deletion at a later time. Yaker then automatically deletes the voice message if time expires. (See, e.g., Yaker, col. 2, lines 65-67). Yaker fails to teach any removal of a deleted voice message and restoring of the same in another memory area, as variously recited by the claims of the present invention.

According to the present invention, upon deletion, a voice message is **moved** into a "trash can" memory area called a deleted voice message memory for maintained storage until permanently deleted. (Specification, page 4, line 29 to page 5, line 2) The retrieved, deleted voice messages **may be played back directly from the deleted voice message memory**, or may be recovered into an appropriate coding and/or format commensurate with undeleted voice messages, and moved back to the voice message memory for playback therefrom. (Specification, page 5, lines 3-7) For efficiency purposes, the voice messages **moved** to the deleted voice message memory may be more highly compressed than when they were stored in the voice message memory. To this end, a deleted voice message may be re-encoded and/or re-compressed by an appropriate program in the controller in the deletion process of **movement** **from the voice message memory to the deleted voice message memory**.

(Specification, page 5, lines 11-16).

Yaker fails to teach removal of a deleted voice message and re-storage of the same in other memory, as recited by claims 1-4, 6, 12, 13, 15-18, 22 and 24 of the present invention.

For at least all the above reasons, claims 1-4, 6, 12, 13, 15-18, 22 and 24 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Claim 5 was rejected under 35 USC 103(a) as allegedly being obvious over Yaker in view of U.S. Pat. No. 6,185,574 to Howard et al. ("Howard"); claims 7, 8, 19 and 25 were rejected under 35 USC 103(a) as allegedly being obvious over Yaker in view of U.S. Pat. No. 5,689,550 to Garson et al. ("Garson"); claims 9, 20 and 26 were rejected under 35 USC 103(a) as allegedly being obvious over Yaker in view of U.S. Pat. No. 5,761,529 to Raji et al. ("Raji"); claims 10, 11, 21 and 27 were rejected under 35 USC 103(a) as allegedly being obvious over Yaker in view of U.S. Pat. No. 6,263,106 to Yamagata ("Yamagata"); claims 14 and 23 were rejected under 35 USC 103(a) as allegedly being obvious over Yaker in view of U.S. Pat. No. 5,400,393 to Knuth et al. ("Knuth").

The present application has been refilled after changes were made to 35 USC 102(e) by the American Inventors Protection Act of 1999 (AIPA). In concert with this, Yaker was co-owned with the present application at the time of the invention thereof by Lucent Technologies. Accordingly, Yaker is not prior art.

It is believed that the Examiner will agree that these rejections cannot stand on their secondary references alone. It is therefore respectfully requested that the rejections be withdrawn.

Claims 1, 12 and 22 were rejected under 35 USC 103(a) as allegedly being obvious over Knuth in view of Howard. The Applicants respectfully traverse the rejection.

Claim 1 recites that upon deletion of a voice message from voice message memory, the voice message is moved and restored in deleted voice message memory. Claim 12 recites removing a deleted voice message, upon deletion from a first memory area, and storing the deleted voice message

memory in a **second memory area**. Claim 22 recites means for removing a deleted voice message, upon deletion, from a first memory area, and means for storing the deleted voice message in a deleted voice message memory.

The Examiner cites Knuth, but agrees that Knuth fails to teach an essential item of the present invention. In particular, the Examiner agrees that “Knuth fails to teach allocating a memory area [deleted voice message memory] specifically for storing deleted voice messages.” (Office Action at 8). In reliance on this essential missing teaching, the Examiner turns to the art of personal computers. Applicants find NO motivation in Knuth, nor has the Examiner explained the presence of any motivation in Knuth, as to why an artisan designing a telephone answering device would have looked to a personal computer database technique, as taught by Howard.

Howard relates to the art of personal computers, and as such would NOT have been referred to by an ordinary person of skill in the art designing a telephone answering device. The Applicants respectfully submit that this combination is improper.

Moreover, even if somehow combined, the combination STILL fails to teach the invention of claims 1, 12 and 22.

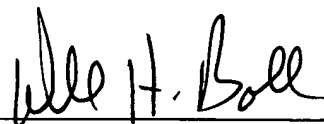
In particular, claims 1, 12 and 22 recite movement of a deleted **voice message**. Howard fails to teach ANY manipulation of a voice message, much less movement of a voice message into deleted voice message memory as recited by claims 1, 12 and 22.

For at least all the above reasons, claims 1, 12 and 22 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

**Conclusion**

All objections and rejections having been addressed, it is respectfully submitted that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "William H. Bollman", written over a horizontal line.

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